ORDINANCE NO. __10-27__

ORDINANCE GRANTING A VARIANCE
PERMIT TO ALLOW A LOT COVERAGE
OF 44.22%, WHERE A MAXIMUM OF
30% IS ALLOWED, AND TO ALLOW A
REAR SETBACK OF 12.50 FEET,
WHERE A MINIMUM OF 25 FEET ARE
REQUIRED, CONTRA TO HIALEAH
CODE §98-547(a) AND §98-2056(b)(2).
**PROPERTY LOCATED AT 3635 WEST
13 AVENUE, HIALEAH, FLORIDA.**
REPEALING ALL ORDINANCES OR
PARTS OF ORDINANCES IN CONFLICT
HEREWITH; PROVIDING PENALTIES
FOR VIOLATION HEREOF; PROVIDING
FOR A SEVERABILITY CLAUSE; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 14, 2010, recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1:   The below-described property is hereby granted a variance permit to allow a lot coverage of 44.22%, where a maximum of 30% is allowed, and to allow a rear setback of 12.5 feet, where a minimum of 25 feet are required, contra to Hialeah Code §§ 98-547(a) and 98-2056(b)(2), which provide in pertinent part: "In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line or front of an accessory building, and every accessory building, and every accessory building shall provide a rear yard with a minimum depth of 7 ½ feet." and "A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure." respectively.

Property located at 3635 West 13 Avenue, Hialeah, Miami-Dade County, Florida, zoned

R-2 (One and Two-Family Residential District), and legally described as follows:

> UNIT 1, OF ROLLING V CONDOMINIUM, A CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 11974, AT PAGE 2899, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed $500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: **Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

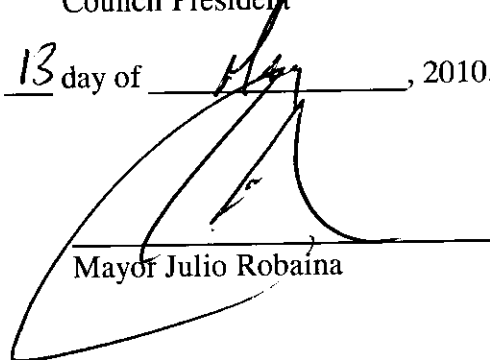PASSED and ADOPTED this 11th day of ___May___, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.
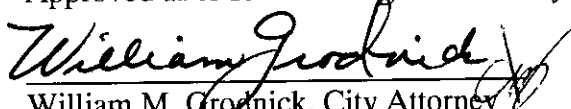
Carlos Hernandez
Council President

Attest:

Approved on this __13__ day of ___May___, 2010.

Rafael E. Granado, City Clerk

Mayor Julio Robaina

Approved as to form and legal sufficiency:

William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes.